

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cox et al.
Application No. : 10/013,987
Filed : December 11, 2001
Title : Contact Lens and Method for Fitting and Design
Conf. No. : 1952
Docket No. : P03031



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Director of the United States Patent and Trademark Office, Washington, D.C. 20231, on February 7, 2002.

Suzanne V. Saracen
Suzanne V. Saracen

PETITION IN RESPONSE TO NOTICE OF OMITTED ITEMS
IN A NONPROVISIONAL APPLICATION

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Director of the United States
Patent and Trademark Office
Washington, DC 20231

Attn: Initial Patent Examination Division
Customer Service Center

Dear Sir:

In response to the Notice of Omitted Items dated January 15, 2002, Applicant, in accordance with Option I therein, contends that three sheets of drawings were mailed with the above-entitled application on December 11, 2001. Enclosed is a copy of the postcard acknowledging receipt by the USPTO of the documents sent with this filing, including three sheets of drawings. Also enclosed are copies of the three sheets of drawings in question, as well as a copy of the Notice of Omitted Items.

Applicant's standard business practice is to verify that all items and pages listed on the transmittal letter are included and that a complete application is being placed into an express mail envelope for filing. This practice was followed in this instance.

Please charge the petition fee of \$130.00 to Applicant's Deposit Account No. 02-1425, which will be refunded to Applicant's deposit account if it is determined that the drawings had been received by the USPTO. If the USPTO determines that the drawings were not included in Applicant's filing papers, please assign this application a new filing date and forward Applicant a Notice to File Missing Parts so that an appropriate supplemental declaration can be prepared.

Adjusted date: 05/05/2002
02/07/2002 US 00000024 021425 10013907
01 FC:122 130.00 CH

Respectfully submitted,

William Greener
William Greener
Reg. No. 38,165

Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, New York 14604
Phone: (716) 338-5012
Dated: February 7, 2002

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APR 15 2002

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03/07/2002 10013907 021425 130.00 CH
01 FC:122

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

WJG

Applicant: Cox et al.
Serial No.: Not Yet Assigned
Filing Date: December 11, 2001
Title: Contact Lens and Method For Fitting And Design



Docket No.: P03031

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Transmitted Herewith:
New Utility Patent Application Transmittal
Specification:
No of Pages of Specification: 12
No of Pages of Claims: 7
No of Pages of Abstract: 1
No. of Pages of Drawings: 3
Initial Information Data Sheet
Combined Declaration and Power of Attorney
Assignment w/Recordation Form Cover Sheet
Certificate of Mailing
Acknowledgement of Receipt Card
Fee: \$1412.00
Dated: December 11, 2001
WG/P03031

J1046 U.S. PTO
10/013987
12/11/01

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/013,987	12/11/2001	Ian G. Cox	P03031

William Greener
Law Department
Bausch & Lomb Incorporated
One Bausch & Lomb Place
Rochester, NY 14604



COPY OF PAPERS
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CONFIRMATION NO. 1952

FORMALITIES LETTER



OC000000007312582

Date Mailed: 01/15/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Figure(s) 2a-c, 3, 4 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Burt D.
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10019987-030102

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>6/3/02</u>		2 Serial/Patent # <u>10/013,987</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
<input type="checkbox"/>	Extension of Time			\$
<input type="checkbox"/>	Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/>	Petition	3	3/1/02	\$ 130
<input type="checkbox"/>	Issue			\$
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<input type="checkbox"/>	Assignment			\$
<input type="checkbox"/>	Other			\$
		7 TOTAL AMOUNT OF REFUND		\$ 130
		8 TO BE REFUNDED BY:		
10 REASON:		Treasury Check		
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:	
<input type="checkbox"/>	Duplicate Payment	9	0	2 -- 1 4 2 5
<input checked="" type="checkbox"/>	No Fee Due (Explanation):			
<u>Notice was vacated.</u>				
11 REFUND REQUESTED BY: <u>C. T. Donnell</u>				
TYPED/PRINTED NAME: <u>C. T. Donnell</u>		TITLE: <u>Petitions Attorney</u>		
SIGNATURE: <u>C. T. Donnell</u>		PHONE: <u>306-5589</u>		
OFFICE: <u>4700</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>6/6-02</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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[FORM NUMBER PTO-1577]

Fill out the form completely, and print or type all information.

1. **DATE OF REQUEST:** Enter the date you fill out the form.
2. **SERIAL/PATENT #:** Enter the Serial or Patent Number.
3. Enter a check mark or an X in the box preceding the type of fee to be refunded. If the fee you are refunding is not listed, place a check mark or an X in the box preceding "Other _____" and print or type the fee type on the following blank line.
4. **PAPER NUMBER:** Enter the **PAPER NUMBER** of the document for which a refund is requested. [PAPER NUMBER refers to the sequential number (on the outside of the official file wrapper) assigned to the document. If the document has no number assigned to it, you may leave this box blank.]
5. **DATE FILED:** Enter the Mailroom Date of the document for which a refund is requested.
6. **AMOUNT:** Enter the dollar amount of the refund.
7. **TOTAL AMOUNT OF REFUND:** Add the dollar amounts in the column labeled **AMOUNT** and enter the total in the box.
8. **TO BE REFUNDED BY:** Enter a check mark or an X in the box preceding **TREASURY CHECK OR CREDIT DEPOSIT A/C #** to indicate how the refund is to be made. Requests to credit a Deposit Account must be accompanied by formal authorization to credit the account. Formal authorization to credit a deposit account consists of a copy of the signed statement by the owner of the Deposit Account granting the Commissioner permission to credit their account, stamped with the **FEE ACCOUNTABILITY STAMP** with the amount of the refund circled.
9. **DEPOSIT ACCOUNT NUMBER:** If refund is by credit to a Deposit Account, enter the Deposit Account Number.
10. **REASON:** Enter a check mark or an X in the box preceding the reason the refund is being requested. If there is no fee due, enter the reason on the 3 blank lines provided.
11. **REFUND REQUESTED BY:** Only PTO personnel formally authorized to request refunds should enter their **NAME**, **TITLE**, **PHONE NUMBER**, **OFFICE** and **SIGNATURE** on these blanks. Supervisors shall provide the Office of Finance with an advance list of personnel authorized to sign this form.

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Office of Finance
Refund Branch
Crystal Park One, Room 802B